

MERIT IS THE ONLY MEASURE

by

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MERIT

Movement to End Racial Injustice and Tyranny

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An historian looks at affirmative action...

Larry Parr (b. 1946) was a graduate student in Soviet History and American Diplomacy at the University of Washington. Presently, he is hard at work on a book about Soviet dissidents.

Mr. Parr conceived an interest in the historical background and significance of affirmative action. Some of his thoughts are contained in the following paper.

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"MERIT IS THE ONLY MEASURE"

When Ralph Waldo Emerson described America as an "invitation to every nation, to every race and skin," when he spoke of her "hospitality of fair field and equal laws to all," and when he exhorted every free individual to "compete, and success to the strongest, wisest, and the best" -- when he expressed these sentiments and, yes, dreams in 1878, he could never have imagined that exactly a century later an opposite philosophy and policy, affirmative action, would guide America's public policy. To be sure, had Emerson lived well into the 20th century, he would have scarcely failed to notice class and racial discrimination of an oft quite lethal sort in Hitler's Germany and Stalin's Russia. But Emerson would have doubtlessly smiled indulgently and remarked that such outrages were, after all, to be expected in the old world of Europe; he would have proudly opined that in America, the new world, merit was the only measure.

Alas, although Emerson was a wise man, he would have been quite incorrect; affirmative action, government-mandated racial, ethnic and sexual discrimination, has introduced in America many of the outrages of the old world; it has, in effect, made class and race the only measure of an individual's worth.

Definition and Brief History of Affirmative Action:

The phrase "affirmative action" first appeared in an executive order issued by President Kennedy in 1962; it meant that government contractors were to seek out minorities willing to be employed. Today, affirmative action means much more; it means that public and private employers, ranging from universities to AT&T, must enroll and/or hire publicly-pre-determined percentages of certain races, nationalities and sexes. If individuals of the "wrong" group possess superior qualifications, then they must, if the percentages require it, suffer discrimination. The rationale is that discrimination against, say, white males and Jews is necessary to rectify injustices often committed decades before the births of these individuals from the "wrong" class and race.

The history of how affirmative action regressed from federal efforts to ban racial discrimination on federally-financed projects to federal edicts requiring ethno-racial quotas -- this history is more than anything else the story of how unelected federal-bureaucrats, using annoying and Aesopian language in administrative orders unapproved by Congress, interpreted existing federal law in an astoundingly perverse fashion -- even considering the philosophy they serve so ambitiously.

The Civil Rights Act of 1964, the primary law for matters of class and racial discrimination, clearly outlaws discrimination based on an "individual's color, religion, sex, or national origin" (Title VII). One provision from Title VII (equal employment opportunity) possesses an obvious application to the legality of affirmative action programs; it also reaffirms the traditional American philosophy of upholding individual rather than group rights:

703(j) *Nothing contained in this title shall be interpreted to require any employer...to grant preferential treatment to any individual or to any group because of*

the race, color, religion, sex or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer...

There is expressed here an implicit and entirely proper contempt for the practices of the old world: the numerus clausus applied against Jews in Wilhelminian Germany, the infamous Nuremberg laws passed under Adolf Hitler, the rigid legal quotas and class legislation dominating Soviet law, etc. In 1964 merit was still the only measure.

It was only in late 1971 that affirmative action came to mean federally required "results"; that is, it was no longer sufficient for universities and employers to be fair when hiring and firing minorities -- unless the result was a random distribution of classes and races at all levels of employment. For the bureaucrats of the Office of Federal Contract Compliance, discrimination became the only possible explanation of "deficiencies" in achieving random "representation" in employment. These bureaucrats, who would reduce the complexities of social phenomena to a thoughtless ideological formulation, remind this writer of Jacob Burckhardt's "terrible simplifiers"; these men through their guidelines for employment ignore everything from traditionally varying interests of different groups to unequal aptitudes among prospective employees.

For Harvard sociologist, Nathan Glazer, the fact that federal bureaucrats and local affirmative action administrators still call the preceding "equal employment opportunity" is "simply another example of the misnaming of reality in an age in which words are easily distorted into their opposites."

Business and Academia:

If any single phrase can encompass the effects of affirmative action in the worlds of business and academia, it would be that it encourages mediocrity and eventually guarantees incompetence. One authority contends that affirmative action constrains "any effort to set a higher standard of employment, or, indeed, any standard, if it serves to have disproportionate impact, even a

minor disproportionate impact, on the employment of some specific group." In practice, as Nathan Glazer writes, almost any ability test is considered unlawfully discriminatory:

When the testing authorities of the Equal Employment Opportunity Commission are asked for an example of a test that will pass muster as legitimate, if blacks pass at a lower rate, the only example they seem to come up with is a typing test. Even that, we should point out, may not be used indiscriminately. One cannot, for example, require a higher level of typing than that possessed by the poorest typist one has hired, if the higher level served to select one ethnic group or race more or less than another. Under this rule, one could guarantee that the level of typing would steadily decline.

When considering the cavalier disregard for merit evinced by "the testing authorities" in the above quotation, this writer is irresistably reminded of a manifesto issued by a 19th century radical group, the Union of the Equal:

We want real equality or death, that's what we want. For its sake we would agree to anything, we would sweep everything away in order to retain just this. Let all the arts vanish if necessary, so long as we are left with genuine equality.

Of course, it would be patently untrue to accuse most affirmative action supporters of such demented nihilism, but, as we shall see, the results of affirmative action in the worlds of business and academia might warm the hearts of the long dead adherents of that old world group, the Union of the Equal.

In "Are Quotas Here to Stay?", Allan Ornstein estimates that affirmative action directives affect 95% of the employment market. The effect of these directives is to diminish the importance of 1) Qualifications; and 2) Experience. In one court case, United Airlines agreed to pay more than one million dollars to minorities and women selected at random because of "under-representation" of

these types of people within the company. In addition, these beneficiaries of "back pay" also received retroactive seniority -- despite never having labored a day for United Airlines. In the case of AT&T, this firm disbursed tens of millions of dollars to minority and female employees because they were "not randomly distributed to all jobs." The government never charged actual discrimination; it only noted statistical inequalities. The questions of qualifications and experience were simply ignored.

One danger of writing about affirmative action in the academic world is that the reader's credulity is severely strained: "If what you say is true, then why isn't something being done? Aren't you really exaggerating?" In these queries there are both healthy skepticism and, alas, an irksome complacency born of ignorance. Nowadays, many Americans simply do not take the time to discover what occurs in their schools. Unfortunately, what is now happening in academic institutions ranging from Oregon grade schools to Ivy League universities is so awful that, to answer our skeptical readers, exaggeration is unnecessary and, in fact, rather difficult to achieve. In short, the truth eclipses almost any possible lie.

Although most Americans are well-aware of the injustices in forced bussing, the threat posed by affirmative action to scholastic standards has until recently received little attention. One common situation, experienced by a group of children from Oregon, is the constant switching of substitute teachers from class to class because hiring a full-time white teacher (minority candidates being unavailable) would upset the required racial percentages for full-time faculty. At one Ivy League school several HEW bureaucrats discovered that the proper study of religion was in itself discriminatory as Professor Glazer describes:

...representatives of the Regional HEW demanded an explanation of why there were no women or minority students in the Graduate Department of Religious Studies. They were told that a reading knowledge of Hebrew and Greek was presupposed. Whereupon the representatives of HEW advised orally: "Then end those old fashioned programs that require irrelevant languages. And start up programs on relevant things which minority group students can study without learning languages."

That presumably well-educated lawyers could utter such barbaric nonsense, brings to mind Thomas Gray's observation that there is rabble even amongst the gentry.

Writing in Saturday Review, the dean of humanities at City University in New York presented a case study of the effects of affirmative action on that institution. It all began with militant minority activists engaging in "cultural intimidation of the white faculty"; they demanded the creation of "ethnic studies departments" bulging with mediocre faculty members who occupied their time shepherding semi-literate students. Against this backdrop of seething black anger and cowed white professors, the enrollments in traditional courses declined in favor of what the dean called "sexy courses": homosexual literature, Jewish fertility, etc. With academic rigor of this kind, the English department very quickly went from offering 70% of its courses in literature and composition to 70% in remedial writing. Finally, as Dean Theodore Gross relates, it became impossible even "to contemplate dismissing a black, or Puerto Rican, or a woman unless he or she was utterly incompetant." If minority teachers were fired, then the minorities they represented would become statistically "underrepresented" according to the required "goals and timetables".

And while on the subject of the obstacles affirmative action erects before the hiring of competent faculty members, the actual advertisements for positions tell the story: "We desire to appoint a black or Chicano, preferably female..."; "Our doctoral requirements for faculty will be waived for candidates who qualify under the affirmative action criteria..." etc. One faculty candidate received a typically blunt reply: "It will be possible for me to contact you for a position only in the event you are black." If experienced white PhD's discover that their race makes them unemployable in their profession, then persons with rather different "qualifications" are now finding employment at our universities. For example, one Warren Kimbro, a former Black Panther and convicted murderer (paroled after serving four years of a 20-to-life sentence), was recently hired as assistant dean of student affairs at Eastern Connecticut State College. Mr. Kimbro had pleaded guilty to the misdemeanor of firing the first shot into a suspected police informer.

Almost involuntarily, one wonders whether or not affirmative action will destroy our schools as seats of learning. Eugene McCarthy fears that it will lead to a "level of education so reduced that all who enter do so with assurance of successful graduation." One finds it difficult not to agree with his observation that "With no possible abandonment of hope at any point, they could look forward to something like the judgement of the Dodo after the caucus race in Alice in Wonderland: Everybody has won, and all must have prizes."

Certainly, affirmative action has already weakened the traditional dedication to one's job or profession which was exhibited by a French grammarian of the last century who on his deathbed said with a smile, "I am about to or I am going to die. Either is correct."

Affirmative Action in Housing:

In the words of Nathan Glazer, there is currently "An extensive search for legal and political means to open up the suburbs to the poor and black..." Federal bureaucrats await a major court decision striking down the right of local communities to forbid low-income housing through restrictive zoning codes. If a community is without its "proper" share of poor and minority types, then mass low-income housing may be necessary to produce a random representation of all classes and races in the community -- and, in fact, in all communities. The history of affirmative action in housing differs from that of business and education only in that no judge has yet decreed mandatory housing quotas. In housing, affirmative action is still in the "goal" and "target" stage.

Affirmative Action as a "Threat":

Demagogues usually use the word "threat" for disreputable purposes; they excite their subjects with an array of threats comprehending everything from Zionist agents in the Soviet Union to imperialist rodents like Mickey and Minnie Mouse in East Germany. The word "threat" is understandably in bad odor,

yet it does have a legitimate meaning as "an expression of intention to hurt, destroy, punish...." In this sense, affirmative action threatens many values which are dear and necessary for the existence of a liberal and progressive society:

- 1) Affirmative action threatens America's traditional understanding of ethnic rights -- an understanding based on the idea that while ethnic groups may not expect special benefits beyond those available to all Americans and while ethnic groups may not establish their own state organs, individual members of an ethnic group are free to live as they please in peace. America is the new world of free individuals rather than the old world of politically defined ethnic groups.
- 2) Affirmative action threatens the primary principle of a liberal society: Only the single person, the individual, possesses rights. When rights are vested in groups, it soon happens that "group rights" become an excuse to destroy individuals. In Hitler's Germany, the "rights" of the German people came to mean that only Germans had rights; in Stalin's Russia the "rights" of the proletariat meant that no single person, an individual, possessed any rights whatsoever. In America, affirmative action bureaucrats already speak openly of "group rights" transcending the rights of single persons, individuals.
- 3) Affirmative action threatens members of groups (e.g. Jews) who through talent and effort are "overrepresented" in certain professions. Affirmative action may soon become a national quota system designed to punish ambitious members of successful groups.
- 4) Affirmative action threatens the good reputations of several million qualified and completely competent women and minorities who have successfully entered the professions without relying on quotas and legal action.
- 5) Affirmative action threatens the traditional American understanding of an individual's worth: in personal and professional merit.

But for those of us at MERIT (Movement to End Racial Injustice and Tyranny), Ralph Waldo Emerson's invitation to all free men to "compete, and success to the strongest, wisest, and the best" -- this invitation can still stir our blood. We believe that this is the case with most of our readers. And, once again, we believe that one's personal and professional merit is still the only measure.

Mr. Parr's essay is one in a series issuing information on the problems of racial quotas and reverse discrimination. One of MERIT's principal objectives is providing the public with the necessary background to understand the complex problems resulting from "affirmative action". It is our view that protection of our Constitutional rights can only be maintained within a climate of knowledge. All too often, the advocates of unconstitutional laws and regulations have been able to maintain the appearance of legitimacy through widespread confusion and apathy on the issues.

MERIT (Movement to End Racial Injustice and Tyranny) was founded in February, 1978 to oppose and mitigate the injustices of racial quotas and other reverse discriminatory practices. Since its founding, MERIT has been active in investigating these abuses in all sectors of employment and in education and bringing these to the attention of the public. Our successful approach to the press and media has vastly amplified our overall impact on the public consciousness and to that extent, chilled the ardor of regulatory agencies. MERIT is also involved in an increasing number of precedent-setting cases, and in organizing coalition efforts, legal defense funds, and legislative lobbying efforts.

MERIT is the only public advocacy organization specifically incorporated to oppose quotas on a nationwide scale. Our activities require the continued generous support of working people in order to be effective. If our voice is to be heard and constitutional safeguards brought to triumph over the tragic insanity of quotas and reverse discrimination, we must raise multi-million dollar budgets each year. The advocates of quotas and reverse discrimination -- our adversaries -- have vast public and private resources at their disposal. Thus, we need your support now.

Please do not delay in sending your generous donation today to the cause of equal rights under law. Tomorrow may just be too late in preventing the Orwellian nightmare of a totalitarian society based on racial, ethnic and sexual quotas. Our children deserve better.

MERIT is the only organization totally dedicated to fighting quotas and reverse discriminatory practices in employment and education.

MERIT needs your contribution. Our ability to fight quotas depends totally on your contributions.

Defend yourself against quotas -- give a generous contribution today!

() \$1.00, () \$15.00, () \$25.00, () \$50.00, () \$100.00
() Other \$ _____.

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